

Message

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**From:** Blubaugh, Jim [Blubaugh.Jim@epa.gov]  
**Sent:** 7/8/2019 6:28:21 PM  
**To:** Ball, Joel [ball.joel@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]  
**CC:** Wehrly, Linc [wehrly.linc@epa.gov]  
**Subject:** RE: RE: U.S. Environmental Protection Agency Compliance/Enforcement Actions

Joel,

This looks great!! Thanks for getting back to me so quickly.  
I will send this response back to my contact in Korea and let you know if there is any follow-up.

Thanks again.  
Jim

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**From:** Ball, Joel  
**Sent:** Monday, July 08, 2019 9:43 AM  
**To:** Bunker, Byron <bunker.byron@epa.gov>  
**Cc:** Wehrly, Linc <wehrly.linc@epa.gov>; Blubaugh, Jim <Blubaugh.Jim@epa.gov>  
**Subject:** RE: RE: U.S. Environmental Protection Agency Compliance/Enforcement Actions

Hi All,

I have made suggested responses below in red text:

Joel Ball  
Light-Duty Vehicle Group  
Compliance Division  
Office of Transportation and Air Quality  
United States Environmental Protection Agency  
(734) 214-4238  
[ball.joel@epa.gov](mailto:ball.joel@epa.gov)

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**From:** Bunker, Byron  
**Sent:** Wednesday, July 03, 2019 8:46 AM  
**To:** Ball, Joel <[ball.joel@epa.gov](mailto:ball.joel@epa.gov)>  
**Cc:** Wehrly, Linc <[wehrly.linc@epa.gov](mailto:wehrly.linc@epa.gov)>; Blubaugh, Jim <[Blubaugh.Jim@epa.gov](mailto:Blubaugh.Jim@epa.gov)>  
**Subject:** FW: RE: U.S. Environmental Protection Agency Compliance/Enforcement Actions  
**Importance:** High

Hi Joel,

Can you please draft responses to the questions copied below and reply all to this e-mail to share them with Linc, Jim and me?

**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

Jim – Linc and Joel are both out of the office this week and quite likely will come back next week to overflowing inboxes. If you don't see something from Joel by the end of next week, please send us a gentle reminder.

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
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[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155  
Mobile: (734) 353-9623  
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**From:** Blubaugh, Jim  
**Sent:** Wednesday, July 03, 2019 7:28 AM  
**To:** Wehrly, Linc <[wehrly.linc@epa.gov](mailto:wehrly.linc@epa.gov)>  
**Cc:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>  
**Subject:** FW: RE: RE: U.S. Environmental Protection Agency Compliance/Enforcement Actions  
**Importance:** High

Hi Linc,

I hope you are doing well. See below for a few questions from our friends in Korea regarding how we handle running changes. Please draft some short responses and return to me. I will then get back to Park on our behalf.

Thanks,  
Jim

**From:** [pjhy98@korea.kr](mailto:pjhy98@korea.kr) <[pjhy98@korea.kr](mailto:pjhy98@korea.kr)>  
**Sent:** Wednesday, July 03, 2019 12:02 AM  
**To:** Blubaugh, Jim <[Blubaugh.Jim@epa.gov](mailto:Blubaugh.Jim@epa.gov)>  
**Cc:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; "김용근" <[kyk123@korea.kr](mailto:kyk123@korea.kr)>  
**Subject:** RE: RE: RE: U.S. Environmental Protection Agency Compliance/Enforcement Actions

Hello Jim.

How have you been after coming back from London.  
I saw the news that Chris Grunder moved to other department in US EPA.  
It's sorry to me that I don't meet him from next international compliance meeting.  
But I wish it's good to him and US EPA.

I have some questions on 'Running Change Notification' for US emission certification.  
In Korea there have been some issues that a few manufactures didnot report modifications from their original emission parts to certification agency.  
We are wondering how US EPA make actions to similar issues happened in Korea.

We found some provisions in US CFR and guidance letters from US EPA and have a few questions.

1. According to "40 CFR 86.1842-01(b)" as attached, manufacturers should conduct 'Running Change Notification'.

If a manufacturer was found not to carry out the 'Running Change Notification', which legal actions would be done such as enforcement action, criminal charge, civil penalty or lawsuit?

If a manufacturer made a running change and failed to provide the required 'Running Change Notification', then the vehicles produced after the change was made may not be covered by the certificate of conformity see 40 CFR §86.1848-01(c)(6) excerpt below:

**§86.1848-01 Certification.**

(c) All certificates are conditional upon the following conditions being met:

(6) Vehicles are covered by a certificate of conformity only if they are in all material respects as described in the manufacturer's application for certification (Part I and Part II).

EPA has discretion in determining what constitutes "material respects". Generally EPA has considered changes to be "material" if they effect emissions.

If EPA determines that vehicles which were introduced into commerce are not covered by a certificate of conformity, then EPA may impose civil penalties for violations of the Clean Air Act (CAA). See CAA §7522 and §7524 excerpts below:

**§7522. Prohibited acts**

**(a) Enumerated prohibitions**

The following acts and the causing thereof are prohibited—

(1) in the case of a manufacturer of new motor vehicles or new motor vehicle engines for distribution in commerce, the sale, or the offering for sale, or the introduction, or delivery for introduction, into commerce, or (in the case of any person, except as provided by regulation of the Administrator), the importation into the United States, of any new motor vehicle or new motor vehicle engine, manufactured after the effective date of regulations under this part which are applicable to such vehicle or engine unless such vehicle or engine is covered by a certificate of conformity issued (and in effect) under regulations prescribed under this part

**§7524. Civil penalties**

**(a) Violations**

Any person who violates sections <sup>1</sup> 7522(a)(1), 7522(a)(4), or 7522(a)(5) of this title or any manufacturer or dealer who violates section 7522(a)(3)(A) of this title shall be subject to a civil penalty of not more than \$25,000. Any person other than a manufacturer or dealer who violates section 7522(a)(3)(A) of this title or any person who violates section 7522(a)(3)(B) of this title shall be subject to a civil penalty of not more than \$2,500. Any such violation with respect to paragraph (1), (3)(A), or (4) of section 7522(a) of this title shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine.

There may be addition enforcement actions or criminal charges if there is evidence that the manufacturer knowingly committed a fraudulent act.

2. In provision "40 CFR 86.1842-01(b)", there is a sentence "Any change or addition in production vehicles which creates a new vehicle configuration with in a car lines"

What is the meaning or necessary conditions of "creates a new vehicle configuration"?

Vehicle configuration is defined in 40 CFR §86.1803 excerpt below



원본 메일

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받는사람 : "pihy98@korea.kr" <[pihy98@korea.kr](mailto:pihy98@korea.kr)>

참조 : "taewoolee@korea.kr" <[taewoolee@korea.kr](mailto:taewoolee@korea.kr)>, "이경빈" <[lunarabbit@korea.kr](mailto:lunarabbit@korea.kr)>, "김정수" <[jsookim@korea.kr](mailto:jsookim@korea.kr)>, "Bunker, Byron" <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>, "홍동근" <[hongdg@korea.kr](mailto:hongdg@korea.kr)>, "이종태" <[leelee@korea.kr](mailto:leelee@korea.kr)>

받은날짜 : 2017년 1월 25일(수) 21:36:35

제목 : RE: RE: U.S. Environmental Protection Agency Compliance/Enforcement Actions

Hello Junhong,

I have included our responses to your questions below:

Question 1 & 2: EPA did not conduct independent durability testing of the Volkswagen vehicles and instead reviewed Volkswagen's various submittals related to durability. EPA did conduct extensive emissions performance testing of multiple vehicles but did not conduct long-term durability testing. EPA reviewed VW's fleet testing data and individual bench component testing results. Those results were compared against internal VW benchmarks used for new product launches.

Question 3: The consent decree with Volkswagen described an extensive testing and review process for the vehicles consistent with but not identical to EPA's normal regulatory program. The differences were designed to address specific issues with the VW vehicle including specific provisions for the OBD system. The extended period necessary for VW to develop a recall fix reflects the substantial changes the company has had to make and the extensive testing required to validate those changes.

I hope this information proves helpful.

Best,  
Jim

Jim Blubaugh, Director  
International  
Office of Transportation and Air Quality  
U.S. Environmental Protection Agency  
(202) 564-5403

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**From:** Blubaugh, Jim  
**Sent:** Tuesday, January 24, 2017 10:52 AM  
**To:** 'pjhy98@korea.kr' <pjhy98@korea.kr>  
**Cc:** taewoolee@korea.kr; "이경빈" <lunarabbit@korea.kr>; "김정수" <jsookim@korea.kr>; Bunker, Byron <bunker.byron@epa.gov>; "홍동곤" <hongdg@korea.kr>; "이종태" <leelee@korea.kr>  
**Subject:** RE: RE: U.S. Environmental Protection Agency Compliance/Enforcement Actions

Hello Junhong,

Thank you for your message. I will consult with our team regarding the answers to your questions and get back with you soon.

Best,  
Jim

Jim Blubaugh, Director  
International  
Office of Transportation and Air Quality  
U.S. Environmental Protection Agency  
(202) 564-5403

**From:** pjhy98@korea.kr [mailto:pjhy98@korea.kr]  
**Sent:** Tuesday, January 17, 2017 5:47 AM  
**To:** Blubaugh, Jim <Blubaugh.Jim@epa.gov>  
**Cc:** taewoolee@korea.kr; "이경빈" <lunarabbit@korea.kr>; "김정수" <jsookim@korea.kr>; Bunker, Byron <bunker.byron@epa.gov>; "홍동곤" <hongdg@korea.kr>; "이종태" <leelee@korea.kr>  
**Subject:** RE: RE: U.S. Environmental Protection Agency Compliance/Enforcement Actions

Hello Jim ,

Thank you for your information on the recent action on VW and FCA.

I am Junhong Park, a colleague of Taewoo Lee, in Korean Ministry of Environment.

I met you and Dr. Byron in EC-JRC last year in 2nd International Summit on Vehicle Emissions Compliance Testing and Enforcement.

At that time, I presented Korean investigation on emission of diesel vehicles, mainly focused on NISSAN issue. I hope you can remember me.

In Korea, MoE have been evaluating VW's recall plan and approved only 2 models in a few days ago. Although the diesel vehicles of VW imported to Korea are different from those of US, we are very interested in all progress of VW issues in US.

I have a few questions on the approval of VW's recall plan in US.

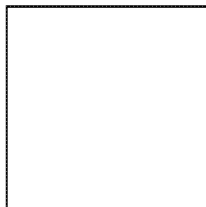
I reviewed Appendix B of the 2.0 liter Partial Concent Decree entered on October 25, 2016, which would be a basis for this approval.

My questions on the process of this approval are

1. US EPA or CARB conducted durability test in their own test labs or reviewed the VW's in-house durability test data.
2. If US EPA reviewed VW's durability data, which tests or analysis were conducted by US EPA for evaluating durability of emission parts.
3. Can I think that US EPA ordered VW to modify almost all emission systems including OBD to meet the US regulations and re-verify all the emission performance, and that make the recall process need quite long time?

Korean MoE have intention to reflect some aspects of US EPA's methodologies to evaluate the VW's recall plan. I am looking forward to your reply.

Best Regards  
Junhong Park.



이첨출 특검에

원도 초보자가

• [redacted] 과를 소개하기 좋은

• [redacted] 내 다음 속 찍으려,

• [redacted] 장명덕 술술..

----- 원본 메일 -----

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받는사람 : "Blubaugh, Jim" <Blubaugh.Jim@epa.gov>

참조 : "박준홍" <pjhy98@korea.kr>

받은날짜 : 2017년 1월 17일(화) 14:50:48

제목 : RE: U.S. Environmental Protection Agency Compliance/Enforcement Actions

Hello Jim,

Happy New Year! Hope things are going well for you, personally, as well as professionally.

Thank you for your good news. Congretulations! We Korean Government also has taken actions on emission violations. I hope we could exchange each others' experiences to propely deal with this interational issue.

I am looking forward to seeing you in Tokyo, soon!

Thank you.  
Taewoo

----- 원본 메일 -----

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받는사람 : "marcio.veloso@ibama.gov.br" <marcio.veloso@ibama.gov.br>, "rabrantes@sp.gov.br" <rabrantes@sp.gov.br>, "Ed.Crupi@ec.gc.ca" <Ed.Crupi@ec.gc.ca>, "helen.ryan@canada.ca" <helen.ryan@canada.ca>, "jsookim@korea.kr" <jsookim@korea.kr>, "taewoolee@korea.kr" <taewoolee@korea.kr>, "eduardo.olivares@semarnat.gob.mx" <eduardo.olivares@semarnat.gob.mx>, "mbalk@rdw.nl" <mbalk@rdw.nl>, "anders.gunneriusson@transportstyrelsen.se" <anders.gunneriusson@transportstyrelsen.se>, "ian.yarnold@dft.gsi.gov.uk" <ian.yarnold@dft.gsi.gov.uk>, "pierre.bazzucchi@developpement" <pierre.bazzucchi@developpement-durable.gouv.fr>, "celine.vallaude@utaceram.com" <celine.vallaude@utaceram.com>, "ARijnders@rdw.nl" <ARijnders@rdw.nl>, "per.ohlund@transportstyrelsen.se" <per.ohlund@transportstyrelsen.se>, "Joanna.SZYCHOWSKA@ec.europa.eu" <Joanna.SZYCHOWSKA@ec.europa.eu>, "gwenole.cozigou@ec.europa.eu" <gwenole.cozigou@ec.europa.eu>, "onoda-t2r3@mlit.go.jp" <onoda-t2r3@mlit.go.jp>, "suzuki@ntsel.go.jp" <suzuki@ntsel.go.jp>, Seiji Takai <takai-s2z9@mlit.go.jp>, "duncan.kay@dft.gsi.gov.uk" <duncan.kay@dft.gsi.gov.uk>, "wrobel.frank@kba.de" <wrobel.frank@kba.de>

참조 : "Blubaugh, Jim" <Blubaugh.Jim@epa.gov>, "Bunker, Byron" <bunker.byron@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>, "Phillips, Anna" <Phillips.Anna@epa.gov>



받은날짜 : 2017년 1월 13일(금) 01:18:23

제목 : U.S. Environmental Protection Agency Compliance/Enforcement Actions

Happy New Year everyone! I hope you had a great holiday season with family and friends.

I am sending this note today to let you know that the U.S. Environmental Protection Agency (EPA) in collaboration with the California Air Resources Board has issued a Notice of Violation against Fiat Chrysler America (FCA) for alleged violations of the Clean Air Act. EPA has released a press release and NOV detailing our allegations. These documents can be found at the following website:

<https://www.epa.gov/fca>

Also, I wanted to make sure you were aware of yesterday's action by the EPA and the U.S. Department of Justice to settle criminal and civil violations with Volkswagen. Details regarding those actions can be found here.

<https://www.justice.gov/opa/pr/volkswagen-ag-agrees-plead-guilty-and-pay-43-billion-criminal-and-civil-penalties-six>

All the Best,  
Jim

Jim Blubaugh, Director  
International Programs  
Office of Transportation and Air Quality  
U.S. Environmental Protection Agency  
(202) 564-5403

